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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,751	03/15/2004	Gary W. Eisenhower JR.	H0006597-0769	3448

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Intellectual Property
Honeywell International, Inc.
101 Columbia Rd.
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EXAMINER

ABOAGYE, MICHAEL

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,751

Applicant(s)

EISENHOWER ET AL.

Examiner

Michael Aboagye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 12, 13 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04 & 9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: spring (194), see specification , paragraphs [0025] and [0026]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: on page 13, line 30, change "next 608" to "nest 608".
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 -7, 10, 11,14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Vongfuangfoo et al. (US Patent No. 5598775).

Vongfuangfoo et al. discloses a welding method and a fixture (10) comprising: a stationary pivot block (42) attached to a base (40), wherein said stationary pivot block is located adjacent to a nest (46, 47) for maintaining an object (12) to be welded, wherein said nest is located above and upon said base; a pivot arm (50) associated with a pivot arm insert (52), wherein said pivot arm rotates about a pivot point (44) provided by a pin press component associated with said stationary pivot block, such that said pivot point is fixed to said stationary pivot block in relation to said object to be welded and wherein said pivot arm is positioned parallel to said nest; and a spring block (56) connected to said stationary pivot block, wherein said spring block provides tension to said pivot arm in order to permit a user to maintain said object upon said base with a desired tension for welding thereof; a torsion spring (78) and an adjustable position spring block (16) with a screw (80) and adjustable slots(84-86) to regulate spring tension (Vongfuangfoo et al., figures 1- 13, Column 2, line 41 – column 4 line 64).

Regarding claim 10, attention is drawn to the fact that claims 1 and 10 are similar except that the object to be welded in claim 10 is a sensor. However the features disclosed in the welding fixture of Vongfuangfoo et al. are inherently suitable for holding a sensor, therefore meets the limitations as recited in claim 10.

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Claims 5-7 and 11 are drawn to a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Regarding the [object to be welded (SAW), sensor, these limitations are directed to a manner of operating the apparatus to make a sensor]. The examiner notes that neither the manner of operating a disclosed device nor material/article worked upon further limit an apparatus claim. Said limitations do not differentiate apparatus claims from the prior art. See MPEP 2114 and 2115. Further, the examiner notes that intended use limitations, such as ["making a sensor; wherein said object to be welded comprises a sensor device"] do not have patentable weight in an apparatus claim. See *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969) that states "Expressions relating the apparatus to contents thereof and to an intended operation are of no significance in determining patentability of the apparatus claim."

Allowable Subject Matter

5. Claims 8, 9, 12, 13 and 18- 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter: The instant application is deemed to be a nonobvious improvement over Vongfuangfoo et al. The improvement comprises: in dependent claims (8, 9, 12 and 13), a nest, a pivot arm and a pivot arm insert formed from a copper material in order to dissipate heat and prevent accidental welding of said object to said nest or said pivot arm; said pivot arm insert comprises a copper insert that permits clearance between said pivot arm and a plurality of metal pins associated with said object to be welded, thereby permitting said user to rotate said object in said nest for multiple spot welding positions, also in method claims (18-20); wherein said object to be welded comprises a sensor device, said sensor device comprises a SAW sensor device having at least one quartz component therein.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cox et al. (US 6189210), Whiteman (US 5362036), Crew et al. (US5295700), Lawrence et al. (US 5244195), Ushiki et al. (US 5181646), Kwan et al. (4804130) and Wagner (US 4216401), are also cited on PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael Aboagye
Assistant examiner
Art Unit 1725

11/18/2005

KEVIN KERNS
PRIMARY EXAMINER

Kevin Kerns 11/18/05